

Remarks

Status of Claims

Claims 1-16 are pending in the application and stand rejected. New claims 17-20 are added herein. Claims 1, 10, 11, and 16 are amended herein to improve their clarity and language.

Specification Amendments

Paragraphs [0025], [0027], and [0030] are voluntarily amended to correct typographical errors. No new matter has been introduced.

Drawing & Specification Objections

The Office action objected to the drawings under 37 C.F.R. § 1.83(a) for allegedly not showing “the control points being selected,” and objected to the specification as failing to provide proper antecedent basis for the “control points that are selected.” The Applicant has amended claims 1 and 12 to replace “control points” with “operating characteristics.” This new claim language finds support in the originally filed German application, to which priority has been claimed under 35 U.S.C. § 119. In fact, “operating characteristics” is believed to be a better translation of this concept originally expressed in the German language than “control points.”

The amendment obviates the objections. The concept of “operating characteristics,” as claimed, is conveyed by the specification’s text and drawings. One skilled in the art would surely appreciate that the circuit in Figure 3, for example, and its components have associated with them “operating characteristics.” Moreover, there is close textual support for this concept in the language of the specification. For example, according to one embodiment, as described in paragraph [0009] of the specification, an audio signal “has its volume reduced depending on how the nonlinear performance curve of the nonlinear element is set up.” As another example, paragraph [0027] states:

The nonlinear curves of input stages 11 and 12, and diodes 15, 16, respectively, [may be] selected in such a way such that, of the negative and positive half waves of the audio signal, one half wave is processed nonlinearly and the other half wave is processed linearly, or at least nearly so. Thus, in the circuit shown in FIG. 2, the positive half wave of the audio signal that is present at the input of the first input stage 11 is processed nonlinearly,¹ while the corresponding negative half wave is processed linearly.² Signal processing in the second input stage 12 occurs in the same manner.

The Applicants respectfully submit that these passages provide adequate support and basis for the present language of the claims. *See All Dental Prodx, LLC v. Advantage Dental Prods., Inc.*, 309 F.3d 774, 779 (Fed. Cir. 2002) (The specification need not describe the invention using the exact same language as appears in the claim); MPEP § 2163.02 (same).

Furthermore, the Applicants respectfully assert that corrected drawing sheets are not necessary for the understanding of the subject matter to be patented and that “the meaning of the terms in the claims may be ascertainable by reference to the description.” *See* 37 C.F.R. § 1.75(d)(1). Accordingly, Applicant respectfully requests withdrawal of the objections to the drawings and the specification.

Claim Rejections

Claims 1-10

Claims 1-10 stand rejected under 35 USC § 112, first paragraph, as allegedly not “reasonably provid[ing] *enablement* for the first and second input stages further including control points that are selected.” Applicant respectfully traverses this rejection and asserts the Office action fails to meet the initial burden of presenting reasons why a person skilled in the art would not be able to make and use the claimed invention without undue experimentation. *See generally* MPEP § 2164.04 (The analysis and conclusion of a lack of enablement must be based on at least some of the *Wands* factors discussed in MPEP § 2164.01(a); the language should focus on those factors, reasons, and evidence that lead the

¹ During the positive half wave cycle, diode 15 is forward biased thereby allowing current to pass through it.

² During the negative half wave cycle, diode 15 is reverse biased thereby preventing current to pass through it.

examiner to conclude that the specification fails to teach how to make and use the claimed invention without undue experimentation).

Assuming *arguendo* that Office action met the initial burden, the Applicants assert that the rejection would be moot in view of the current amendments to claim 1. The operation and design of analog circuits would be within the knowledge of a person skilled in the art. As discussed *supra*, the specification discloses at least one embodiment wherein “the first and second input stages [have] operating characteristics selected such that of the positive and negative wave portions, one of the portions is processed substantially nonlinearly and the other of the portions is processed substantially linearly.” (quoting claim 1). Accordingly, Applicants respectfully assert the application teaches how to make and use the claimed invention without undue experimentation and request withdrawal of the rejection of claims 1-10.

Claims 11-16

Claims 11-16 stand rejected under 35 USC § 112, second paragraph, as allegedly being *indefinite* for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicant has amended claims 11 and 16 to obviate this rejection and respectfully requests withdrawal of the rejection of claims 11-16.

Claims 17-20

New claims 17-20 have been added to more fully claim the invention.

Conclusion

The Applicant submits that the application is condition for allowance and respectfully requests a Notice of Allowability. If the Examiner has any concerns about the application, or if the undersigned attorney can assist in expediting the allowance of the application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

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